Tax Tips for Tax Year 2008 (Issued January 2009)

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WHAT'S NEW FOR 2008?

The following changes are discussed in more detail in Publication 17, *Your Federal Income Tax For Individuals*, and the Instructions for Form 1040.

Exemption Amount Increased. The amount you can deduct for each exemption has increased to \$3,500. You lose all or part of the benefit of your exemptions if your adjusted gross income is above a certain amount depending on your filing status.

Standard Deduction Amount Increased. The standard deduction for taxpayers who do not itemize deductions on Schedule A of Form 1040 is, in most cases, higher for 2008. The amount depends on your filing status, whether you are 65 or older or blind, and whether an exemption can be claimed for you by another taxpayer. The basic standard deduction amounts for 2008 are: Head of Household — \$8,000; Married Filing Jointly and Qualifying Widow(er) s — \$10,900; Married Filing Separately and Single — \$5,450.

Additional Standard Deduction for Real Estate Taxes. If you do not itemize your deductions, you can claim an additional standard deduction for real estate taxes you paid. Any state or local real estate taxes you paid that would be deductible on Schedule A if you were itemizing deductions, up to \$500 (\$1,000 if married filing jointly). You can use the 2008 Standard Deduction Worksheet found on page 35 of the 1040 Instruction Booklet to figure your standard deduction.

Alternative minimum tax (AMT) exemption amount increased. The AMT exemption amount is increased to \$46,200 for single taxpayers; \$69,950 if married filing jointly or a qualifying widow(er); and \$34,975 if married filing separately.

Foreign Earned Income. The maximum foreign earned income exclusion amount available on Form 2555 or Form 2555-EZ is increased to \$87,600. The housing exclusion and/or deduction floor has increased to \$14,016.00 and the housing cap, other than for certain cities listed in the Instructions for Form 2555, has increased to \$26,280.00 if your qualifying period includes all of 2008.

Note: If you claim the foreign earned income exclusion or the foreign housing exclusion on Form 2555 or Form 2555-EZ, your must figure your tax using the Foreign Earned Income Tax Worksheet found on page 37 of the 2008 Form 1040 Instruction Booklet.

Tax Tip 2

FILING REQUIREMENTS

If you are a U.S. citizen or resident alien, the rules for filing income, estate, and gift tax returns and for paying estimated tax are generally the same whether you are in the United States or abroad.

Your type and amount of income, filing status, and age determine whether you must file a U.S. income tax return. Generally, you must file a return if your gross income from worldwide sources (excluding U.S. social security benefits) is at least:

If your filing status is	AND at the end of 2008 you were	THEN file if your gross income was at least
Single	under 65 65 or older	\$ 8,950 \$10,300
Married Filing Jointly	under 65 (both spouses) 65 or older (one spouse) 65 or older (both spouses)	\$17,900 \$18,950 \$20,000
Married Filing Separately	any age	\$ 3,500
Head of Household	under 65 65 or older	\$11,500 \$12,850
Qualifying Widow(er) with dependent child	under 65 65 or older	\$14,400 \$15,450

Please refer to the Form 1040 Instructions for further information.

Tax Tip 3

TAX ASSISTANCE

The Internal Revenue Service provides tax assistance through a regional office located at the U.S. Embassy in Paris, France.

Phone: +33 (0)1 43 12 25 55

Monday- Friday, 9:00 am-12:00 pm and 1:30 pm- 3:30 pm

Closed French and American holidays

Fax: +33 (0)1 43 12 23 03

Email: irs.paris@irs.gov

Mail: U.S. Embassy – Internal Revenue Service

2, Avenue Gabriel, Room B-110

75382 Paris Cedex 08

France

Walk-In Assistance: U.S. Embassy

2, Avenue Gabriel

75008 Paris France

Monday-Friday, 9:00 am-12:00 pm Closed French and American holidays

Tax assistance can also be obtained by contacting the main International Customer Service Center in Philadelphia.

Phone: +1 (215) 516-2000

6:00 am - 11:00 pm Eastern Standard Time

Fax: +1 (215) 516-2555

Email: www.irs.gov/help/page/0,,id=133197,00.html

ELECTRONIC FILING

More and more Americans are choosing e-file, which lets them electronically file a tax return or get a filing extension without sending any paper to the Internal Revenue Service.

Since 1999, the number of e-filed returns has nearly tripled and over the past decade the number of e-filers has increased four-fold.

Year	Total Returns	e-Filed Returns	Percent E-filed
1999	125,900,000	29,349,000	23.31%
2000	128,430,000	35,412,000	27.57%
2001	130,965,000	40,244,000	30.73%
2002	131,728,000	46,892,000	35.60%
2003	131,557,000	52,944,000	40.24%
2004	132,200,000	61,507,000	46.53%
2005	133,933,000	68,476,000	51.13%
2006	136,071,000	73,255,000	53.84%
2007	140,188,000	79,979,000	57.05%
2008	155,490,000	89,886,000	57.80%

You may e-file your return using one of the following methods:

- **Tax Professional** by consulting your tax preparer or finding a preparer listed as an "Authorized IRS e-file Provider" at www.irs.gov.
- **Personal Computer** by purchasing commercially available software from a retailer, downloading software from an Internet site and preparing your return offline, or preparing and filing your return online.
- **Free file** by preparing your taxes online at www.irs.gov without cost if you earned \$56,000 or less in 2008.

DIRECT DEPOSIT OF REFUND

You have more options and flexibility for receiving your 2008 U.S. income tax refund. Now you can:

Direct deposit your refund into one checking or savings account

Whether you file electronically or on paper, direct deposit gives you faster access to your refund than a paper check. To request direct deposit of your refund into one account, report your bank's or financial institution's nine-digit routing number and your account number on the direct deposit line of your tax return. If you do not have or are unsure of these numbers, contact your bank or financial institution.

A word of caution — some financial institutions do not allow a joint refund to be deposited into an individual account. Check with your bank or financial institution to make sure your direct deposit will be accepted.

• Split your refund with direct deposits into two or three checking or savings accounts

With split refunds, you have a convenient option for managing your money — sending some of your refund to an account for immediate use and some for future savings. Use Form 8888, *Direct Deposit of Refund to More Than One Account*, to divide your refund among two or three different accounts.

Note: If you fail to request direct deposit on your return, you will receive your refund as a paper check in the mail.

POSTMARKS

Federal tax returns, claims for refund, and other documents mailed to the Internal Revenue Service are treated as filed on the date of the domestic or foreign postmark.

However, payments, even payments submitted with tax returns, are not considered as made until the date of actual receipt at IRS rather than the postmark date. You should take this into consideration when mailing a payment to the Internal Revenue Service in order to avoid late payment penalties and interest charges.

CAPITAL GAINS AND LOSSES

Capital gains and losses are classified as either long-term or short-term depending on how long you held your capital asset. If you hold the asset for more than one year before you dispose of it, your capital gain or loss is considered to be long-term. If you hold the asset for less than one year, your capital gain or loss is considered to be short-term. The distinction between long-term and short-term capital gains and losses is important in determining your taxation.

If you have a net capital gain, that gain may be taxed at a lower tax rate. The term "net capital gain" means the amount by which your net long—term capital gain for the year is more than your net short—term capital loss. For 2008, the 5% tax rate on qualified dividends and net capital gain is reduced to zero. The maximum capital gain rates are 0%, 15%, 25%, or 28%. If you have a taxable capital gain, you may be required to make estimated tax payments on Form 1040-ES.

If your capital losses exceed your capital gains, the amount of the excess loss that can be claimed is limited to \$3,000, or \$1,500 if you are married filing separately. If your net capital loss is more than this limit, you can carry the loss forward to later years by using the Capital Loss Carryover Worksheet in Publication 550.

Capital gains and losses are reported on Schedule D of Form 1040 and then transferred to Form 1040.

Deemed Sales by Expatriates. If you give up your U.S. citizenship after June 16, 2008, you may be treated as having sold all your property for its fair market value on the day before you gave up your citizenship. This also applies to long-term U.S. residents who cease to be lawful permanent residents. For details, exceptions, and rules for reporting these deemed sales, see Publication 519 and Form 8854.

CHILD TAX CREDIT & ADDITIONAL CHILD TAX CREDIT

For 2008, the child tax credit is maintained at \$1,000 for each qualifying child and the minimum earned income amount used to figure the additional child tax credit has increased to \$11,750. If you were a member of the U.S. Armed Forces who served in a combat zone, your nontaxable combat pay counts as earned income when figuring this credit limit.

You may be eligible for a child tax credit if you have a qualifying child who is (1) under age 17 at the end of 2008 and (2) a citizen or resident of the United States.

However, you must reduce your child tax credit if your modified adjusted gross income (AGI) is above \$110,000 for joint filers, \$55,000 for married taxpayers filing separately, and \$75,000 for single or head of household taxpayers. Publication 972 has more information.

Please refer to the Instructions for Form 1040, Form 8901, Form 8812, and Publication 972 for further information.

RENTAL INCOME AND LOSSES

You must include in income all amounts you receive as rent. Rental income and expenses are entered on Schedule E and net rental income or loss is then carried to the income section of Form 1040.

Most individuals count their rental income as income when it is actually or constructively received, and deduct their expenses as they are paid. Some examples of expenses that may be deducted from your total rental income are depreciation, repairs, and operating expenses. You can recover some or all of your original investment in the rental property (including furnishings) and the cost of capital improvements through depreciation using Form 4562.

Rental losses are subject to various limits under the passive activity and at-risk rules, and excess or non-deductible losses may be carried forward to the following tax year. See Form 8582 and Instructions.

Note that the sale of rental property does not qualify for the preferential tax treatment given to the sale of a main home.

INDIVIDUAL RETIREMENT ACCOUNTS (IRAS)

Traditional IRA and Roth IRA Contributions. If you are below the age of 50 in 2008, you may contribute as much as \$5,000 or your taxable compensation for the year to your traditional or Roth IRA for 2008. If you are age 50 or older before 2009, the most that can be contributed to your traditional IRA for 2008 is the smaller of: \$6,000 or your taxable compensation for the year.

However, if your modified Adjusted Gross Income (AGI) is above a certain amount based on your filing status, your deduction for contributions made to a traditional IRA and/or your ability to contribute to a Roth IRA may be reduced or eliminated. Please see Publication 590 for further information.

Traditional IRA Income Limits. You may be able to take an IRA deduction if you were covered by a retirement plan and you modified adjusted gross income is less than \$63,000 (\$105,000, if you are married filing a jointly or a qualifying widow(er).

Roth IRA Income Limit. You may be able to make a Roth IRA contribution if your modified adjusted gross income is less than \$116,000 (\$169,000 if you are married filing jointly or a qualifying widow(er). See Publication 54 or 590 for limitation if your tax return contains Form 2555 or 2555-EZ.

Special Rules for Americans with Foreign Earned Income. If your tax return contains Form 2555 or 2555-EZ, see Publication 590 for special information regarding what income constitutes taxable compensation for purposes of contributing to an IRA.

FOREIGN EARNED INCOME EXCLUSION

In 2008, if you had a tax home in a foreign country and you met either the bona fide residence test or the physical presence test, you may be able to claim a foreign earned income exclusion of up to \$87,600 and a housing exclusion or deduction for certain reasonable qualified foreign housing costs. U.S. government employees do not qualify for either the foreign earned income exclusion or the housing exclusion with respect to their government salaries.

For 2008, the housing exclusion and/or deduction floor increased to \$14,016 and the general limit on excluding or deducting certain reasonable housing expenses increased to \$26,280 (or \$71.80 per day if the qualifying period is less than 365 days), though the limits for certain cities may be higher. See the Instructions for Form 2555 for further information.

The foreign earned income exclusion is claimed on either Form 2555 or Form 2555-EZ, and the foreign housing exclusion or deduction is claimed on Form 2555. Use Form 2555 if you are self-employed and/or claim the foreign housing exclusion or deduction. Use Form 2555-EZ if you are a salaried employee with earnings not exceeding \$87,600 and you do not claim the foreign housing exclusion.

Note: If you claim the foreign earned income exclusion and/or the housing exclusion or deduction, you must determine the tax on your non-excluded income using the tax rates that would have applied had you not claimed the exclusions by completing the Foreign Earned Income Tax Worksheet on page 37 of the Instructions for Form 1040.

FOREIGN TAX CREDIT

If you paid or accrued foreign income taxes on income which is not eligible to be, or cannot fully be, excluded on Form 2555 or Form 2555-EZ, you generally may choose to claim such taxes as a credit against your U.S. income tax using Form 1116 or to deduct them from your adjusted gross income as an itemized deduction on Schedule A. Foreign taxes taken as a credit on Form 1116, reduce your U.S. tax liability. Foreign taxes taken as a deduction on Schedule A, reduce your U.S. taxable income.

Note that if you use Form 2555 and your foreign earned income exceeds the maximum allowed exclusion (earned income and housing exclusion, if applicable), the amount of foreign income tax allocable to the excluded income is not eligible for credit and must be factored out on line 12 of Form 1116. In other words, you cannot get a double benefit – both an exclusion and a foreign tax credit – on the same income.

If your only foreign source income is passive (interest, dividends, etc.) and is reported on a statement, such as a 1099, issued by a U.S. financial institution, you may be able to claim a foreign tax credit of up to \$300 (\$600 if married filing jointly) directly on Form 1040 without using Form 1116.

PAYMENTS & ESTIMATED TAX FOR 2009

Payments

Most international taxpayers who owe tax on their 2008 tax return, pay by check, money order, or credit card. You cannot pay in cash.

Checks or money orders must be issued in U.S. Dollars and made payable to the "United States Treasury." Please make sure the following information is included on your check or money order: (a) your Social Security Number or Individual Taxpayer Identification Number (ITIN); (b) the year for which the payment is being made as well as the type of tax return being filed (e.g., Form 1040, 1040-ES, etc.); (c) your name, if it is not clearly listed on the check or money order; and (d) your daytime phone number.

Credit card payments may be made using any major credit card, including Visa, MasterCard, and American Express, through the following providers:

Official Payments Corporation +1 (800) 272-9829 or +1 (877) 754-4413 www.officialpayments.com Link2Gov Corporation +1 (888) 729-1040 or +1 (888) 658-5465 www.pay1040.com

Estimated Tax for 2009

Estimated tax is used to pay tax on income that is not subject to any, or sufficient, withholding. In most cases, you must make estimated tax payments if you expect to owe at least \$1,000 in tax for 2009 (after subtracting your withholding and credits) and you expect your withholding and credits to be less than the smaller of:

- 1. 90% of the tax to be shown on your 2009 tax return; or
- 2. 100% of the tax shown on your 2008 tax return if such return covered all twelve months of the tax year.

Exception: U.S. citizens or resident aliens for all of 2008 do not have to pay estimated tax if they had no tax liability for the full twelve-month 2008 tax year.

For further information or to pay estimated tax for 2009 as a U.S. citizen or resident alien, please consult Form 1040-ES.

LATE CHARGES, PENALTIES & INTEREST

If you do not file on time and owe tax, you will generally be assessed a late filing penalty of 5% of the tax owed for each month, or part of a month, that your return is late until the return is filed or a maximum 25% penalty is applied. If your return is over sixty days late, the minimum penalty for late filing is \$100 or 100% of the tax owed, whichever is smaller.

If you file on time but do not pay all amounts due, you will generally have to pay a late payment penalty of 0.5% of the tax owed for each month, or part of a month, that the tax remains unpaid from the due date, until the tax is paid in full or a maximum 25% penalty is applied. The 0.5% rate decreases to 0.25% for any month in which an installment agreement is in effect but increases to 1% if tax remains unpaid ten days after the Internal Revenue Service issues a notice of intent to levy.

Furthermore, if you do not pay all amounts due on time, interest is charged on any unpaid tax from the due date of the return until the date of payment. Interest charged on late payments changes quarterly and has ranged from a high of 9% to a low of 4% during the past several years. Beginning January 1, 2009, the interest rates will be:

- Five (5) percent for overpayments; and
- Five (5) percent for underpayments.

EXTENSIONS TO FILE

Taxpayers generally must file a 2008 tax return by April 15, 2009.

U.S. citizens and residents with tax homes outside of the United States on April 15, 2009, however, are automatically granted a two-month extension to June 15, 2009 to file a tax return. Any tax due though must be paid by April 15, 2009 (or earlier if you are subject to estimated tax) in order to avoid penalties and interest.

To file a later return, taxpayers may request a filing extension to October 15, 2009 by filing Form 4868 before the normal return due date. Those taxpayers living abroad who need an extension to qualify for the bona fide residence test or physical presence test in order to be eligible for a foreign-earned income exclusion on Form 2555, however, should request a filing extension using Form 2350 by the normal due date of their return. With either extension, note that any tax owing must be paid by April 15, 2009 to avoid interest and penalties.

INSTALLMENT AGREEMENTS

For those who cannot satisfy all of their tax debt immediately, an installment agreement may be a reasonable option allowing you to gradually make payments on the tax you owe. Installment agreements authorize you to pay tax debt in smaller, more manageable amounts. To be eligible for an installment agreement, you must have filed tax returns and made estimated tax payments as required.

To set up an installment agreement when you owe:

- \$25,000 or less in combined tax, penalties, and interest: use the Online Payment Agreement (OPA) at www.irs.gov, call the number on the bill or notice you received, or complete Form 9465 and mail it to the address indicated on the bill you received.
- More than \$25,000 in combined tax, penalties, and interest: call the number on the bill or notice you received or complete Forms 9465 and 433F and mail them to the address indicated on the bill or notice you received.

You will receive written notification telling you whether your installment agreement request has been approved or whether it needs to be modified. Once approved, you will be subject to a \$105 fee (\$52 if payments will be made by electronic funds withdrawal or \$43 if your income is below a certain level). A fee of \$45 is also charged for reinstating a defaulted installment agreement or restructuring an existing installment agreement regardless of your income level. If you already have an approved installment agreement from a previous tax debt and your financial situation has changed, you may be able to modify or restructure your installment agreement to include additional amounts owed into one agreement.

IRS NOTICES

If you receive a notice from the Internal Revenue Service that you believe is incorrect, you should respond as soon as possible by calling the telephone number identified on the notice or by writing to the office that sent you the bill. Publication 594, the IRS Collection Process, contains guidance on how to respond to notices, but, generally speaking, you should carefully explain your position and include with your response a copy of your notice and copies of any cancelled checks or other documents which help support your position. If you need more time to formulate a response or to gather information, you should contact the IRS immediately to ask for additional time.

You may also call the customer service center in Philadelphia at +1 (215) 516-2000 or the Paris, France, office at +33 (0)1 43 12 25 55 to receive certain limited assistance regarding notices.

UNRESOLVED TAX MATTERS

If you have tried to resolve a tax problem but it has not been resolved in a timely manner or if an IRS action is causing you significant hardship, you should contact the International Taxpayer Advocate by:

Phone: +1 (877) 777-4778 or +1 (787) 622-8940

Fax: +1 (787) 622-8933

Mail: Internal Revenue Service

Attn: Taxpayer Advocate Office

San Patricio Office Building, Room 200

7 Tabonuco Street

Guaynabo, Puerto Rico 00966

For further information about the Taxpayer Advocate refer to Publication 1546, the Taxpayer Advocate Service of the IRS, or visit www.irs.gov/advocate.

INDIVIDUAL TAXPAYER IDENTIFICATION NUMBERS (ITINS)

If you are not eligible to receive a Social Security Number but need to file a tax return, you must apply for an Individual Taxpayer Identification Number (ITIN) with Form W-7. An ITIN is issued by the Internal Revenue Service and begins with the number "9." It may look like a Social Security number, but an ITIN is used only for federal income tax purposes and has no effect on your work or immigration status in the U.S.

The procedures for requesting an ITIN are very specific and generally require that your application include a completed and signed Form W-7, a photocopy of your passport which has been certified by a U.S. consular official, and some kind of additional documentation (e.g., tax return, contract, bank or brokerage statement, etc.) proving that you have U.S. income. Please read the Instructions for Form W-7 carefully before requesting an ITIN.

Remember that each person who files a U.S. tax return or is listed as a spousal or dependent exemption on such a return must have a valid Social Security Number or ITIN. Complying with this requirement will ensure prompt processing of the return and issuance of any refund.

FOREIGN BANK ACCOUNTS

American citizens and residents with a financial interest in, or signatory or other authority over, any foreign financial accounts, including bank, securities, and other types of accounts, whose value exceeded \$10,000 at any point during the year must (1) check the "yes" box on line 7a of Schedule B of Form 1040 for such year and also (2) file Form TD F 90-22.1 with the Department of the Treasury before June 30th of the following year.

Taxpayers who have accounts with a value of less than \$10,000 during the year or who have assets in a U.S. military banking facility operated by a U.S. financial institution, however, must check the "no" box on line 7a of Schedule B of Form 1040 and do not need to file a TD F 90-22.1.

Failure to file a TD F 90-22.1 as required may result in very severe civil and criminal penalties. Such penalties may be assessed for willful or negligent failure to file, as well as for failing to supply information and for filing a false or fraudulent report.

TD F 90-22.1 should be sent (separately from any tax return) to: United States Department of the Treasury, P.O. Box 32621, Detroit, MI 48232-0621.

For further detail on foreign bank account reporting, please refer to the instructions in the TD F 90-22.1 or www.irs.gov.

FORM W-9 AND FORM W-8BEN

American citizens and residents living overseas are often asked to complete Form W-9 by U.S. (and foreign) financial institutions and other withholding agents to overcome any presumptions of foreign status. Form W-9 is used to confirm that the payee is a U.S. person, his or her Social Security Number or Individual Taxpayer Identification Number is correct, and the payee is not subject to backup withholding due to the failure to report interest and dividend income. Failure to provide a Form W-9 when requested may lead to backup withholding or withholding at the 30% rate typically applied to foreign persons.

Similarly, foreign persons are often asked to complete Form W-8BEN to establish that they are not a U.S. person, are the beneficial owner of certain U.S. income, and claim a reduced rate of U.S. withholding as a resident of a foreign country with which the U.S. has an income tax treaty. Failure to provide a Form W-8BEN when requested may lead to withholding at a 30% rate.

ESTATE AND GIFT TAX

Property owned at the time of death may be subject to federal estate tax, and property given during one's lifetime may be subject to federal gift tax. These taxes, if assessed, are in addition to individual income tax.

For 2008, gross estates of not more than \$2,000,000 and gifts of \$12,000 are not taxable. For 2009, gross estates of not more than \$3,500,000 and gifts of \$13,000 are not taxable. Estates and gifts exceeding these thresholds may be subject to estate and/or gift tax depending on the status of the decedent or donor (e.g., U.S. citizen vs. foreign national), location of the property, and what U.S. law and any estate and gift tax treaties between the U.S. and foreign countries provide.

For further information, please refer to Publication 950, Form 706, 706-NA (Estate Tax) or Form 709 (Gift Tax).

RECORDS RETENTION & COPIES OF RETURNS

Once your tax return is prepared, you should keep all receipts, cancelled checks or other proof of payment, and other records to support deductions or credits you claim on your return. The length of time you should keep these records can vary.

Keep items that support an item of income or deduction appearing on a return until the statute of limitations for the return expires, which is:

- Three years from the date you filed the return (or the return due date if you filed a return before the due date) for an assessment of tax, unless fraud or substantial underreporting of income is involved;
- Three years from the date you filed the return (or the return due date if you filed a return before the due date) for filing a claim for credit or refund; or
- Two years from the date you paid the tax, whichever is later.

Records relating to the basis in property should be retained until after you dispose of the property and report any gain or loss.

File Form 4506 to request copies of income tax returns and income source information. There is no cost to obtain tax return transcripts or income source information. There is a \$57 fee per return, however, to obtain copies of actual returns and attachments. If the IRS cannot find a requested tax return, it will refund the fee.

PAST DUE REFUNDS

If you filed your return and are expecting a refund, you can go to "Where's My Refund?" at https://sa2.www4.irs.gov/irfof/lang/en/irfofgetstatus.jsp to find out whether the Internal Revenue Service processed and sent your refund.

To determine the status of your refund, you will need to provide the following information as shown on your return:

- Social Security Number (or Individual Taxpayer Identification Number)
- Filing status, (Single, Married Filing Joint Return, Married Filing Separate Return, Head of Household, or Qualifying Widow(er))
- Exact refund amount shown on your return

If you have not received your check within twenty-eight days of the mailing date shown on "Where's My Refund?", you can begin a refund trace online. You can also change your mailing address online if "Where's My Refund" indicates that your refund was returned as undeliverable.